

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

-----X
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

T C WHEELERS, INC. d/b/a,
T.C. WHEELERS BAR & PIZZERIA

Defendant.
-----X

23-CV-000286



CONSENT DECREE

On March 30, 2023, Plaintiff, the Equal Employment Opportunity Commission (“EEOC”), commenced this action under Title VII of the Civil Rights Act of 1964, as amended (“Title VII”) to correct unlawful employment practices on the basis of sex (transgender) and to provide appropriate relief to Quinn Gambino who was affected by such unlawful practices. The Complaint alleges, T C Wheelers, Inc. d/b/a T.C. Wheelers Bar & Pizzeria (“Defendant” or “TC Wheelers”), subjected Gambino to sex discrimination by creating and maintaining a hostile work environment based on Gambino’s transgender status that resulted in Gambino’s constructive discharge.

The EEOC alleges that over the course of his employment, Gambino was subjected to anti-transgender harassment by TC Wheelers owners, managers, and coworkers such that he was compelled to resign. TC Wheelers denies the allegations and enters into this Consent Decree in the best interest of the parties.

In consideration of the mutual promises of each party to this Decree, the sufficiency of which is hereby acknowledged, it is agreed and IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

GENERAL PROVISIONS

Purpose of this Decree

1. The EEOC and Defendant desire to settle this action, and therefore do hereby stipulate and consent to entry of this Decree as final and binding between the parties.
2. The Decree resolves all issues that were raised in the EEOC's Complaint and Charge of Discrimination No. 525-2021-00976 which served as the jurisdictional prerequisite in this case. This Decree in no way affects the EEOC's right to process any pending or future charges that may have been or will be filed against Defendant, and to commence civil actions on any such charges.
3. The EEOC and Defendant agree that this Court has jurisdiction over the subject matter of this litigation and the parties, that venue is proper, and that all administrative prerequisites have been met. No party will contest the validity of this Decree or the jurisdiction of the federal district court to enforce this Decree and its terms.
4. The terms of this Decree represent the full and complete agreement of the parties. The parties agree that this Decree may be entered into without Findings of Fact and Conclusions of Law being made and entered by the Court.

Definitions

5. "Day" refers to calendar days.
6. "Effective date" The effective date of this Decree will be the date it is docketed by the Clerk of the Court after it is signed by and/or receives approval from the Court.

**Applicability of Decree to Successors and Assigns or Upon Purchase,
Merger or Consolidation**

7. Before Defendant engages in any transfer of its business or its assets, it will provide written notice of this lawsuit and a copy of the Complaint and this Decree to any potential purchaser of its business or assets, and to any potential successors, assigns, subsidiaries, or affiliates, including any entity with which Defendant may merge or consolidate. Defendant will provide written notice to the EEOC twenty-one days (21) before any transfer of its business or assets.

Amendments to this Decree

8. By mutual consent of the parties, this Decree may be amended in the interests of justice and fairness and to facilitate execution of this Decree's provisions. No waiver, modification, or amendment of any provision of this Decree will be effective unless made in writing and approved or ordered by the Court.

Severability

9. If one or more provisions of this Decree are rendered unlawful or unenforceable as a result of a legislative act or a decision by a court of competent jurisdiction, the following will apply to ensure that this Decree continues to effectuate the intent of the parties. The provisions of this Decree which are not rendered unlawful, unenforceable, or incapable of performance as a result of such legislative act or court decision will remain in full force and effect and the parties' responsibilities will not abate as to any and all provisions that have not been rendered unlawful or unenforceable, except to the extent that the intent of this Decree would be undermined.

Breach of Decree

10. A breach of any term of this Decree by Defendant will be deemed a material and substantive breach of this Decree. Nothing in this Decree will be construed to preclude the EEOC from bringing proceedings to enforce this Decree if Defendant fails to perform any of the terms contained herein. This Decree will be construed by this Court under federal law.

Notices

11. Except as otherwise provided for in this Decree, all notifications, reports, and communications to the parties required under this Decree will be made in writing and will be sufficient as emailed, hand-delivered, faxed, or sent by certified, registered, or overnight mail to the following persons (or their designated successors):

For EEOC:

Annette M. Lalic
New York District Office
33 Whitehall Street, Floor
New York, NY 10004
annette.lalic@eeoc.gov

and decreemonitor.nydo@eeoc.gov

For TC Wheelers:

Charles E. Graney
Webster Szanyi LLP
424 Main Street, Suite 1400
Buffalo, NY 14202
tgraney@websterszanyi.com

Any party may change such addresses by written notice to the other parties setting forth a new address for this purpose.

INJUNCTIVE RELIEF

12. Defendant, its managers, officers, agents, and any other person or entity acting on behalf of Defendant, are hereby enjoined from (1) failing to prevent or correct unlawful

harassment of an employee because of gender identity and expression, and (2) discharging an employee because of gender identity and expression.

13. Defendant, its managers, officers, agents, and any other person or entity acting on behalf of Defendant, are hereby enjoined from engaging in unlawful retaliation of any kind against any person because such person has opposed any practice prohibited by Title VII, filed a charge of discrimination under Title VII, testified or participated in any manner in any investigation, proceeding, or hearing under Title VII, or asserted any rights under Title VII or this Decree, or because such person was identified as a possible witness in connection with this matter.

Human Resources Consultant

14. Within fourteen (14) days of entry of this Decree, Defendant will retain Human Resources Consultant Elisha Tomasello from HR Buffalo, LLC., at its own cost, to receive, investigate, and address complaints of discrimination and retaliation from Defendant's applicants and employees, including recommendations for discipline. Employees may direct complaints of discrimination, harassment, or retaliation to Elisha Tomasello by email at ETomasello@HRBuffalo.com, telephone at (716) 402-6827, or mailing address at 168 Humboldt Parkway, Buffalo, New York 14214.

15. The EEOC may monitor Defendant's compliance with this Decree through the inspection of Defendant's premises and records, and through interviews with Defendant's officers, agents, employees, and contractors. Defendant will make available for inspection and copying any records related to this Decree upon request by the EEOC.

Posting of Notice and Distribution of Policy

16. Within seven (7) days of entry of this Decree, Defendant will conspicuously post and maintain a “Notice of Lawsuit and Resolution” (attached as Exhibit A) in all prominent places where employee notices are posted. Defendant will certify in writing to the EEOC within seven (7) business days after it has posted the Notice of Resolution pursuant to this provision.

17. Within twenty-one (21) days of entry of this Decree, Defendant will adopt and distribute an anti-discrimination policy (the “Policy”) setting forth Defendant’s commitment to equal opportunity in all aspects of employment and, at a minimum, containing the following: (1) a detailed explanation of the prohibition against sex (must include a protected category for the protection of gender identity and expression) discrimination, including harassment, and retaliation; (2) the assurance that Defendant will not retaliate against employees who make complaints of discrimination, who oppose practices they consider to be unlawfully discriminatory, and/or who participate in protected activity or who provide information related to complaints of discrimination; (3) a clearly described complaint process that provides accessible avenues of complaint with a number of choices of individuals to whom complaints can be made, including persons outside the employee’s chain of command and the Human Resources Consultant; (4) the assurance that Defendant will accept any and all complaints from employees who wish to file complaints internally; (5) the assurance that the filing of anonymous complaints is permitted and include safeguards to preserve the anonymity when requested by a complainant; (6) the assurance that Defendant will keep confidential to the extent possible and not publicize unnecessarily the subject matter of the complaints or the identity of the complainants; (7) a process that provides a prompt, thorough, and effective investigation, including interviewing complainant and all witnesses and obtaining and reviewing all material documents identified by

the complainant or respondent to the extent necessary to reach a reasonable conclusion concerning the allegations; (8) a requirement that all aspects of an investigation be thoroughly documented in written form; (9) assurance that upon completion of an investigation into a discrimination complaint, the complainant and the respondent will promptly receive a summary of the conclusions reached as a result of the investigation; and (10) the assurance that Defendant will take prompt and appropriate corrective action when it determines that discrimination has occurred, and (11) Gender transition guidelines that outline protocols for gender transitions that clearly delineate responsibilities and expectations of transitioning employees, their supervisors, colleagues, and other staff.

18. Defendant will provide the Policy (attached as Exhibit B) to all future employees within seven days (7) of the start of their employment.

19. Within fourteen (14) days of entry of the Decree and on an annual basis, Defendant will certify in writing to the EEOC that Defendant has posted the Notice of Resolution and distributed the Policy in accordance with the above terms.

Training

20. Within forty (40) days of entry of the Decree, and on an annual basis, Defendant will have HR Buffalo, LLC. provide Christopher and Anthony Candino with no fewer than five (5) hours of interactive, training on federal laws prohibiting discrimination in employment. Two (2) of these hours will focus on the protection of gender identity and expression and issues that arise for transgender individuals in the workplace. The training is comprised of HR Buffalo's programs entitled Discrimination in Employment Training 2023, and TC Wheelers Diversity and Inclusion Training. The initial training must be conducted in person, and subsequent trainings

can be done online. The EEOC, at its discretion, may attend and observe the initial in person training session.

21. Within forty (40) days of entry of the Decree, and on an annual basis, Defendant will have HR Buffalo, LLC., and Mineral HR services provide all other supervisory employees, with no fewer than three (3) hours of training on federal laws prohibiting discrimination in employment. One (1) of these hours will focus on the protection of gender identity and expression and issues that arise for transgender individuals in the workplace. The training is comprised of HR Buffalo's program entitled TC Wheelers Diversity and Inclusion training, and Mineral's program entitled US Workplace Harassment and Discrimination Training for New York Managers. Newly hired employees in these categories and employees who assume supervisory or human resources responsibilities will be given the training within thirty (30) days of their start date or the date responsibilities were assumed, although the training need not be in-person.

22. Within forty (40) days of entry of the Decree, and on an annual basis, Defendant will have HR Buffalo, LLC., and Mineral HR services provide all non-supervisory employees with no fewer than two (2) hours of training on federal laws prohibiting discrimination in employment. One (1) of these hours will focus on the protection of gender identity and expression and issues that arise for transgender individuals in the workplace. The training is comprised of HR Buffalo's program entitled TC Wheelers Diversity and Inclusion training, and Mineral's program entitled US Workplace Harassment and Discrimination Training for New York Non-Managers. Newly hired non-supervisory employees will be given the training within thirty (30) of their start date or the date responsibility was assumed, although the training need not be in-person.

23. The trainings will: (1) cover the rights and responsibilities of employees under federal anti-discrimination laws; (2) describe or portray real-world examples of unlawful conduct, specifically as it relates to sex (including transgender) discrimination, including harassment, and retaliation; (3) discuss best practices for addressing discriminatory comments; (4) encourage bystander reporting; and (5) review the Policy, with emphasis on the complaint, investigation, and remediation processes, and an employee's right to file a charge of discrimination with the EEOC and state or local agencies.

24. Defendant will maintain records of the completion of the training required by this Decree. Defendant will provide the records to the EEOC within forty (40) days of the anniversary of the entry of this Decree.

25. If the outside trainer or content changes after the initial training, the Defendant will submit a revised training proposal to the EEOC at least sixty (60) days prior to the proposed date of the next training. In the event the EEOC does not approve Defendant's proposed trainer and/or content, Defendant will have five (5) days to identify an alternate trainer and/or revise the content its trainer proposes to present. The EEOC will then have five (5) days from the date it receives the information described above to accept or reject the alternate trainer and/or content. If the parties cannot agree on a trainer or training content through this process, they may seek the Court's assistance.

Reporting and Investigation Requirements for Discrimination Complaints

26. Defendant will, within forty-eight (48) hours of the receipt of any complaint (formal or informal, written or oral, internal or external) of discrimination or retaliation from any employee, notify the Human Resources Consultant and provide the following information to the full extent known: the name, home address, telephone number, and email address of the

complainant; the name of the alleged discriminator; the name, home address, telephone number, email address of any witnesses; and a summary of the complaint. Defendant must provide any additional information or documentation requested by the Human Resources Consultant.

27. Within three (3) days of receipt of a complaint of discrimination or retaliation, the Human Resources Consultant will commence an investigation that may include, but is not limited to, conducting witness interviews and reviewing Defendant's records. Defendant will cooperate fully with any investigation.

28. Within six (6) months of the entry of the Decree, and every six (6) months thereafter, the Human Resources Consultant will provide to the EEOC a written report: (1) detailing all complaints of discrimination or retaliation received during the period; (2) describing all steps taken to investigate each complaint; (3) identifying any additional steps the Human Resources Consultant will take to complete each investigation; and (4) any findings or resolutions reached. The Human Resources Consultant has the authority to monitor any disciplinary action that it recommends as a part of the resolution.

29. The Human Resources Consultant will retain all documents and reports related to any complaint received or investigation conducted. The EEOC may request materials related to a complaint or investigation at any time.

Record Keeping and Retention

30. Within twenty-one days (21) of entry of this Decree, Defendant will adopt a document retention policy consistent with recordkeeping obligations pursuant to Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c); and 29 C.F.R. Part 1602 *et seq.* (the "Retention Policy")(attached as Exhibit C). The Retention Policy will not be modified without EEOC approval. Attachment of the Retention Policy to this Decree is not a representation by the EEOC

that Defendant has been or currently in compliance with the provisions identified in this paragraph.

31. Defendant agrees to maintain any such records as are necessary to demonstrate its compliance with this Decree and Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c); and 29 C.F.R. Part 1602 *et seq.* and to verify that the reports submitted pursuant to this Decree are accurate.

MONETARY RELIEF

32. Within seven (7) business days of entry of this Decree, Defendant will pay the total gross sum of \$ 25,000 to Quinn Gambino.

33. \$21,517.69 is designated as compensatory damages. Defendant will send the check and provide an IRS FORM 1099 by trackable delivery, to Gambino. A copy of the check, IRS Form 1099, and tracking information will be provided to the EEOC immediately upon their issuance.

34. \$3,482.31 is designated as back wages. Defendant will send to Gambino a check for backpay and an IRS form W-2 via certified or other trackable mail. Defendant will make all required withholdings for applicable federal, state, and local income taxes and the employee share of federal payroll taxes. Defendant will be responsible for (and may not deduct from this payment) any tax obligation Defendant incurs from of these payments, including the employer's share of federal payroll taxes. A copy of the check, IRS Form W-2, and tracking information will be provided to the EEOC immediately upon their issuance.

35. If any portion of the payment due under this Decree to Gambino is not issued and mailed in full within the period required, then for each additional day that it remains unpaid Defendant must pay \$100 to Gambino.

36. It is agreed and acknowledged that the monetary relief agreed to are in settlement of damages, as set forth herein, and constitute a debt owed to and collectible by the United States.

MISCELLANEOUS PROVISIONS

37. Except as otherwise provided herein, the parties will bear their own expenses, attorneys' fees, and costs.

38. When this Decree requires a certification by Defendant of any fact(s), such certification must be made under oath or penalty of perjury by an officer or management employee of Defendant.

DURATION OF DECREE

39. This Decree will remain in effect for three (3) years from entry. The Decree will not expire against any signatory while any enforcement action is pending against that signatory.

40. If the EEOC has notified Defendant in writing not less than fourteen (14) days in advance of the expiration of this Decree that Defendant is not in compliance with any sections of this Decree, Defendant's obligations under this Decree will remain in effect until the EEOC determines that Defendant is in compliance.

41. The Court will retain jurisdiction over this action for all purposes including, but not limited to, the entering of all orders, judgments, and decrees as necessary to implement the relief provided herein. Upon signature and approval by the Court, the matter may be administratively closed but will not be dismissed.

SIGNATURES

42. Each signatory to this Decree represents that each is fully authorized to execute this Decree and to bind the parties on whose behalf each signs.

APPROVED IN FORM AND CONTENT:

For Plaintiff EEOC:




Jeffrey Burstein
Regional Attorney

Nora E. Curtin
Assistant Regional Attorney

Annette M. Lalic
Trial Attorney

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004

For Defendant:




Christopher Candino
Anthony Candino
T.C. Wheelers, INC.
341 Wheeler St.,
Tonawanda, NY 14150

SO ORDERED this 19th day of January, 2024, 2023.


United States District Judge

EXHIBIT A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
(212) 336-3620
TTY (212) 336-3622
General FAX (212) 336-3625

NOTICE TO ALL EMPLOYEES OF LAWSUIT & SETTLEMENT

This Notice is being posted pursuant to a Consent Decree entered in resolution of a lawsuit brought by the U.S. Equal Employment Opportunity Commission ("EEOC") against T.C. Wheelers, Inc. d/b/a TC Wheelers Bar & Pizzeria ("TC Wheelers"), Case No. 23-CV-000286, in federal court in the United States District Court for the Western District of New York.

The EEOC brought this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, to correct alleged unlawful employment practices on the basis of sex (transgender) and to provide appropriate relief to an employee affected by such unlawful practices.

The EEOC alleged that Defendant violated Title VII by maintaining a workplace permeated with unlawful harassment for a transgender employee which became so severe that it caused him to resign. TC Wheelers denied the allegations but is committed to an inclusive and welcoming work environment for all employees.

Federal law prohibits employers from discriminating against applicants and employees based on national origin, religion, race, color, sex, age, disability, or genetic information. Defendant, and its managers, officers, and agents, will support and comply with Federal law prohibiting discrimination against any employee or applicant for employment because of an individual's sex with respect to gender identity and expression.

Pursuant to the Consent Decree, TC Wheelers:

1. Is enjoined from discriminating against any employee because of their sex (including Gender identity and expression), or because of any other unlawful basis and from retaliating against any person who exercises their rights under federal anti-discrimination laws;
2. Will implement and distribute written policies and procedures prohibiting discrimination and retaliation, and enabling employees to file discrimination complaints;
3. Retain Human Resources Consultant, Elisha Tomasello, from HR Buffalo, LLC., to receive, investigate, and address any complaints of discrimination or retaliation from employees, and to recommend any disciplinary measures.

The contact information for the Human Resources Consultant is as follows:

Elisha Tomasello
HR Buffalo, LLC
168 Humboldt Parkway
Buffalo, New York 14214
ETomasello@HRBuffalo.com
(716) 402-0656

4. Will provide training for all owners, managers, and employees on federal laws prohibiting discrimination in the workplace including training that emphasizes gender identity and expression.
5. Will report to Elisha Tomasello, the Human Resources Consultant, all complaints of discrimination, including sex discrimination, including harassment, and/or retaliation received from TC Wheelers employees;
6. Will permit the EEOC to monitor compliance with the Consent Decree.

Should you have any complaints or questions regarding employment discrimination, contact the EEOC at:

Equal Employment Opportunity Commission
(800) 669-4000
Website: www.eeoc.gov

Dated: _____

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE ALTERED OR DEFACED BY
ANYONE OR COVERED BY ANY OTHER MATERIAL**

This Notice must remain posted for Seven (7) years from the date shown above and must not be altered, defaced, or covered by any other material. Any questions concerning this Notice or compliance with its provisions may be directed to the U.S. Equal Employment Opportunity Commission at the number listed above.

EXHIBIT B

TC WHEELERS POLICY AGAINST HARASSMENT AND DISCRIMINATION

PURPOSE

TC Wheelers (TCW) believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, TCW is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is TCW's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity¹ and the status of being transgender,² pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, prior arrest or conviction record, domestic violence victim status or any other characteristics protected by applicable federal, state or local law.

Scope of Policy

This Policy applies to all TCW employees and all personnel in a contractual or other business relationship with TCW including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, contractors, subcontractors, vendors, consultants, or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on TCW property as it does at TCW-sponsored events, programs, and activities that take place off premises.

Policy Objectives

By adopting and publishing this Policy, it is the intention of TCW to:

- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- (2) Inform employees about the complaint procedures established by TCW that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by TCW;

¹ Gender identity is one's innermost concept of self as male, female, a blend of both or neither—how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different for their sex assigned at birth.

² Transgender is an umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. While many transgender people identify on a binary scale—either male or female—some do not and may instead refer to themselves as "non-binary," "genderqueer," "gender fluid," or other terms. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

(3) Clearly advise all partners, associates and staff that harassment and discrimination is strictly prohibited and no such person possesses the authority to harass or discriminate; and

(4) Notify all employees that TCW has appointed a Human Resources Consultant who is specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The name and office location of the HR Consultant designated to receive and investigate complaints is listed below. Any change in the designated HR Consultant shall be distributed in writing to all current employees and shall be posted.

DEFINITIONS

“Prohibited Discrimination of Employees”

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by a TCW employee, customer, or a third party engaged in activities sponsored by TCW which is based upon the employee's protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee's employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

“Harassment” is strictly prohibited and includes, but is not limited to, any conduct that is unwelcome and that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual's membership in one or more of the protected categories. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

“Sexual Harassment” is strictly prohibited. It is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the

basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or

(3) Such gender-based conduct has the purpose or effect of subjecting an employee to inferior terms, conditions, or privileges of employment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes, but is not limited to, offensive comments, jokes, intentional or repeated misgendering of an individual (use of the wrong self-determined name or pronouns), innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

Who can be the target or source of harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can harassment occur?

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Prohibited Behavior and Examples of Harassment, including Sexual Harassment

Specific forms of behavior TCW considers harassment or sexual harassment are set forth below. Every conceivable example cannot be described in this policy, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- o **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping; continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome and unwelcome advances or demands based on someone's protected characteristic.

- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through TCW e-mail system or other electronic communication devices (e.g. voice mail) or using TCW's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic.

- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.

- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, referring to an individual by something other than their self-determined name or pronouns, or name-calling.

Any employee who feels discriminated against or harassed should report it so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

POLICY

TCW prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. TCW will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to Owners and Managers, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to an Owner, Manager or the HR Consultant listed in this Policy with the Complaint Procedure set forth in this Policy. Furthermore, if any employee believes that any Owner or Manager has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact TCW's HR Consultant.

Each employee is assured pursuant to the Prohibition of Retaliation Section of this

Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a complaint of harassment or discrimination, for opposing in any practices forbidden by applicable anti-discrimination laws or for filing a complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to the HR Consultant listed in this Policy in accordance with the Complaint Procedure set forth in this Policy.

Gender Transition Policy

TCW does not discriminate on the basis of gender identity or expression. While the majority of people are comfortable with, and identify with, the physiology and identity of the gender they are assigned at birth, there is a portion of the population that do not. These people may or may not identify as transgender and may take steps to actively change their physiology and/or expression.³ The process that an individual goes through to publicly change their gender presentation in society is called "transitioning," and is a personal process.

Transitioning employees at TCW are encouraged to work with the HR consultant and/or a manager to allow for a smooth process in the workplace. TCW will work with the employee to ensure that their privacy is respected and defer to their preference on the amount of information about their transition shared with other employees. Additionally, the transitioning employee will be the main voice in the timing and implementation of their new gender role in their workplace routine.

Additionally, if a co-worker is transitioning, or if an employee is otherwise uncertain how another individual would like to be identified by name or pronoun, it is appropriate to respectfully ask the how they would like to be referred to.⁴ Continued and prolonged use of the incorrect name and/or pronouns to refer to a co-worker is considered harassment and is prohibited by this policy.

POLICY ENFORCEMENT

Complaint Procedure for Employees

Notification - Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged

³ An individual may seek to change their physiology by hormones and/or surgical procedures, including gender reassignment surgery. An individual may also change their gender expression—for example, by changing their clothing, hairstyle, mannerisms/body language, voice—to better express and interact with the world as they are most comfortable in natural conformance with their sense of self.

⁴ For instance, it is appropriate to introduce yourself by name, state the pronouns that you would like to be identified with, and then ask their name and pronouns.

and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact the HR Consultant listed in this Policy. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her Manager, an Owner or the HR Consultant listed in this Policy.

Making a Complaint - Complaints are accepted orally and in writing. All employees are encouraged to use TCW's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Manager, Owner or the HR Consultant, with no questions asked. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, TCW encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from a Manager, an Owner or the HR Consultant. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party. However, complaints can also be made anonymously—the complaining party may choose not to include their name with the complaint.

Once the complaining party has completed and dated a complaint, the written complaint, or oral complaint as the case may be, should be promptly forwarded to TCW's HR Consultant.

Named complainants are expected to cooperate with TCW's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

Supervisory Responsibilities - All Owners or Managers who receive a complaint or information about suspected harassment or discrimination, or observe what may be harassing behavior or for any reason suspect that harassment is occurring, are required to report such suspected harassment or discrimination to TCW's HR Consultant.

In addition to being subject to discipline if they engaged in discriminatory or harassing conduct themselves, Owners and Managers will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

Owners and Managers will also be subjected to discipline for engaging in any retaliation.

Time for Reporting a Complaint - Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly made or filed.

Confidentiality and Privacy - TCW shall keep complaints as confidential as is consistent with a thorough investigation, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, TCW may be required by law to contact and cooperate with the appropriate law enforcement authorities.

Acknowledgement of Complaint - Upon receipt of an oral or written complaint in which the complaining party is identified, the HR Consultant should contact the complainant promptly to inform them that the complaint has been received. If the complainant does not receive confirmation promptly, she/he is encouraged to contact TCW's HR Consultant or his/her Manager or an Owner, as the case may be. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

INVESTIGATION PROCEDURES

Timing of Investigations - TCW will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. Within 48 hours of receiving a complaint (oral or written) of discrimination or retaliation, TCW Managers or Owners will notify the HR Consultant. The HR Consultant will commence an investigation into such a Complaint within 72 hours of receiving the Complaint. TCW will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

Method of Investigation - Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by TCW's HR Consultant. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur?;
- Did the conduct complained of violate this Policy?; and
- What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused and any witnesses; document request, review and preservation of documents or materials; depositions; or other reasonable methods. Any notes, memoranda, or other records created by TCW's HR Consultant conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will create written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;

- o A summary of prior relevant incidents, reported or unreported; and
- o The basis for the decision and final resolution of the complaint, together with any remedial actions.

Notification to Complaining Party and the Accused Party

The results of the investigation shall be communicated to both the person filing the complaint if not filed anonymously and the accused party.

REMEDIAL MEASURES

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment. Any third party found to have engaged in discrimination or harassment of an employee may be barred from TCW property.

PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is strictly prohibited by this Policy and by law against anyone for making a complaint of harassment or discrimination, for opposing any practices forbidden by applicable anti-discrimination laws or for filing a complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she had belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Complaints of retaliation should be brought directly to TCW's HR Consultant. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

RECORD KEEPING

TCW shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. TCW shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. TCW shall also maintain these documents for, at a minimum, three years.

TCW's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by TCW but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at TCW, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL) - The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and harassment based on other protected characteristics set forth in this Policy, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. Complaints of sexual harassment that accrue on or after August 12, 2020 may be filed with DHR at any time **within three** years of the alleged sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to TCW does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees (in sex discrimination and sexual harassment cases only) and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964 - The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws. These statutes include the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act of 1990 (ADA), the Equal Pay Act of 1963 (EPA), Title VII of the Civil Rights Act of 1964 (Title VII), Genetic Information Nondiscrimination Act ("GINA") and the Pregnant Workers Fairness Act (PWFA). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination or harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections - Many localities enforce laws protecting individuals from sexual harassment and other forms of discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York

City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department - If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

QUESTIONS

Any questions by employees of TCW about this Policy or potential harassment or discrimination or retaliation should be brought to the attention of TCW's HR Consultant. The name, address, and telephone number of TCW's HR Consultant is listed in the Human Resources Consultant Section of this Policy.

HUMAN RESOURCES CONSULTANT

The Human Resources Consultant and contact information is as follows:

Elisha Tomasello
HR Buffalo, LLC
168 Humboldt Parkway
Buffalo, New York 14214
ETomasello@HRBuffalo.com
(716) 402-0656

**TC WHEELERS
COMPLAINT FORM**

If you feel that you have been the subject or witness of discrimination, harassment, or retaliation at TC Wheelers ("TCW"), please report the occurrence either orally or by completing this form and submitting it to TCW's HR Consultant Elisha Tomasello, by email at ETomasello@HRBuffalo.com or by mail at HR Buffalo, 168 Humboldt Parkway, Buffalo, NY 14214. Complaints can be submitted orally to the HR Consultant by telephone at (716) 402-6614. All individuals have the option of submitting complaints anonymously. Participating in the complaint process is protected by law from retaliation under any circumstance. Any questions may be directed to TCW owners or managers or to the HR Consultant.

Name of Complainant (if applicable): _____ Date Submitted: _____

If you have chosen to provide your name, please complete the following:

Job Title: _____

Address: _____

Home phone: _____ Cell: _____ Work: _____

(Please circle the number you'd prefer us to call)

Email: _____

Describe the incident(s) which occurred and if able, specify the time(s) and date(s) of the occurrence(s), names of the individuals that engaged in the harassment, discrimination or retaliation, name(s) of the victim(s), the location, and any witnesses:

TC WHEELERS
COMPLAINT FORM

For TCW Use Only – To be Completed Upon Receipt

Recipient of Complaint (print): _____

Date, Time and Manner (e.g. personal delivery, mailbox, etc.) of Receipt: _____

Notes: _____

EXHIBIT C

TC Wheelers, Inc. HR Document Retention and Destruction Policy

I. Purpose

This policy provides for the systematic review, retention and destruction of documents received or created by TC Wheelers, Inc. in connection with the requirements of §709(c) of Title VII, 42 U.S.C. §2000e – 8(c) and 29 C.F.R. Part 1602, et. seq. This policy covers records and documents, regardless of physical form, contains guidelines for how long certain documents should be kept and how records should be destroyed. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate TC Wheelers' operations by promoting efficiency and freeing up valuable storage space.

II. Document Retention

TC Wheelers, Inc. follows the document retention procedures outlined below. Further, in the event that a claim is brought against TC Wheelers, Inc., all pertinent records should be retained until final disposition of the matter. Retention of supplemental records that document personnel decisions and actions may also be helpful.

PERIOD AND FORM OF RECORDS RETENTION

Federal Employment Related Statutes/FUNCTIONAL CATEGORY	Document/RECORD TYPE	Retention Period (Years)/GOVERNING REGULATION	Form of Retention/REGULATOR Y REQUIREMENT
Title VII	(a) Basic records containing employee information (each employee's name, address, date of birth, occupation, rate of pay, and compensation earned per week), payrolls, individual contracts or collective bargaining agreements. (b) Any other personnel or employment records made or kept by employer, including job advertisement.	(a) 3 years. 29 C.F.R. Sec. 516.5 (b) 2 years from date record made or personnel action taken, whichever is later. 29 C.F.R. Sec. 516.5	No particular form of retention is specified. Records and documents relating to medical certifications, recertifications, or medical histories of employees or their family members are to be maintained in separate files or records

Federal Employment Related Statutes/FUNCTIONAL CATEGORY	Document/RECORD TYPE	Retention Period (Years)/GOVERNING REGULATION	Form of Retention/REGULATORY REQUIREMENT
	<p>(c) Personnel records relevant to any charge or action brought by EEOC or Attorney General against employer, including, for example, records relating to charging party and to all other employees holding similar positions, application forms or test papers completed by unsuccessful applicants and by all other candidates for same position.</p> <p>(d) Any personnel or employment record made or kept by an employer (including requests for reasonable accommodation, application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other compensation, selection for training or apprenticeship).</p> <p>(e) EEO-1. Employer Information Report (must have 100 or more employees).</p> <p>(f) Apprentice programs:</p> <p>1.) chronological list of names and addresses of all applicants, dates of application, sex, and minority group identification, or file of written applications</p>	<p>(c) Until final disposition of charge or action. 29 C.F.R. Sec. 1602.14 29 C.F.R. Sec. 1602.31 The date of final disposition means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where such an action has been brought, the date on which such litigation is terminated.</p> <p>(d) 1 year from the date of making. 29 C.F.R. Sec. 1602.14 * An involuntarily terminated employee, 1 year from the date of termination.</p> <p>(e) Copy of most recent report filed for each reporting unit must always be retained at each such unit or at TC Wheelers, Inc. or divisional headquarters. 29 C.F.R. Sec. 1602.7.</p> <p>(f) 1.) 2 years from date</p>	<p>and treated as confidential. 29 C.F.R. Sec. 825.600.</p>

Federal Employment Related Statutes/FUNCTIONAL CATEGORY	Document/RECORD TYPE	Retention Period (Years)/GOVERNING REGULATION	Form of Retention/REGULATORY REQUIREMENT
Employment Staffing	<p>containing same information; and other records pertaining to apprenticeship applicants; and</p> <p>2.) any other record made solely for completing EEO-2 or similar reports.</p>	<p>application received or period of successful applicant's apprenticeship, whichever is longer. 29 C.F.R. Sec. 1602.21; and</p> <p>2.) 1 year from date of report. <i>Id.</i></p>	
	<p>Job Advertisements, Applications for Employment, Resumes of Applicants/Employees, Applicant Flow Log Testing Documentation and Results, Employment Status Documentation (active, leave, termination, etc.), Position Movement, Records & Documentation (promotion, transfer, demotion); Lay-off and Recall Records; Reduction in Workforce Records; Discharge Records; Service Records; Termination Agreements; Severance Agreements</p>	<p>Title VII, ADA, 29 CFR Sec. 1602.14/ADEA 29 CFR Sec. 1627.3</p>	<p>1 year after later date of making the record or personnel action involved (Title VII/ADA); 1 year from personnel action (ADEA)</p>
	EEO-1 Form	Title VII 29 CFR 1602.12	<p>May want to keep indefinitely. The Commission has not adopted any requirement generally applicable to employers, that records be made or kept. It reserves the right to impose recordkeeping requirements upon individual employers or groups of employers subject to its jurisdiction whenever, in its judgment, such records (a) are necessary for the effective operation of the EEO-1 reporting system or of any special or supplemental reporting system as described above; or (b) are further required to accomplish the purposes of title VII or the ADA.</p>
	Job Order Submitted to Employment Agency (Public & Private)	ADEA 29 C.F.R. Sec. 1627.3	1 year from date of personnel action to which

Federal Employment Related Statutes/FUNCTIONAL CATEGORY	Document/RECORD TYPE	Retention Period (Years)/GOVERNING REGULATION	Form of Retention/REGULATOR Y REQUIREMENT records relate
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IV. Electronic Documents and Records

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an email message, the message should be printed in hard copy and kept in the appropriate electronic or paper file or moved to an “archive” computer file folder. Backup and recovery methods will be tested on a regular basis.

V. Emergency Planning

TC Wheelers, Inc.’s records will be stored in a safe, secure and accessible manner. Documents and financial files that are essential to keeping TC Wheelers, Inc. operating in an emergency will be duplicated or backed up at least every week and maintained off site.

VI. Document Destruction

TC Wheelers, Inc. is responsible for the ongoing process of identifying its records, which have met the required retention period and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

VII. Compliance

Failure on the part of employees to follow this policy can result in possible civil sanctions against TC Wheelers, Inc. and its employees and possible disciplinary action against responsible individuals. TC Wheelers, Inc. will periodically review these procedures with legal counsel or the organization’s certified public accountant to ensure that they are in compliance with new or revised regulations.